Ontario
Municipal
Board

82nd ANNUAL REPORT

January 1, 1987 to December 31, 1987

H.E. Stewart
Chairman

J.G. Malcolm
Secretary and Chief
Administrative Officer

89-05501/

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Vous pouvez vous procurer le présent document en vous addressant au:

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Ontario

Ontario
Municipal
Board

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180 Dundas St. West
Toronto, Ontario
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May 31, 1988

The Honourable Ian G. Scott, Q.C.
Attorney General
Ministry of the Attorney General
18 King Street East
18th Floor
TORONTO, Ontario
M5C 1C5

Dear Mr. Attorney General:

We are pleased to submit to you, as required by Section 100 of the Ontario Municipal Board Act, the Annual Report of the Board for the 1987 calendar year.

As was the case with the previous reports, the Annual Report for 1987 is being utilized as an information document on the role and responsibilities of the Ontario Municipal Board. A copy of the Annual Report is being sent to each municipality in Ontario as well as to other organizations which deal on a regular basis with matters before the Board. It will also be made available, on request, to libraries, schools, universities. It is available in English and French.

H.E. Stewart
Chairman

J.G. Malcolm
Secretary and Chief Administrative Officer

JURISDICTION AND AUTHORITY

The legislative roots of the Ontario Municipal Board can be traced back to 1897 when the Office of the Provincial Municipal Auditor was created to establish rules for the proper keeping of accounts by municipalities. The Ontario Railway and Municipal Board Act in 1906 created a Board of the same name. Later, in 1917, the Bureau of Municipal Affairs Act was passed and the Bureau, which was created, supervised the accounts of schools and public utilities and issued bulletins to guide municipalities in administration.

The Ontario Municipal Board Act, enacted in 1932, created the Board as an independent administrative tribunal. That Act repealed the Ontario Railway and Municipal Board Act and the Bureau of Municipal Affairs Act, and incorporated many of the provisions and powers of those Acts. Most of the powers bestowed upon the Board in 1932 have been retained to this date although many other statutes have assigned jurisdiction or authority on the Board, notably the Assessment Act, the Planning Act, the Municipal Act and the Expropriations Act. A list of some of the statutes which today confer jurisdiction or authority on the Board is given in Chart A, although many of those listed result in infrequent applications or appeals.

When a hearing is held, it is governed by any applicable statute, but it is also subject to the rules of natural justice and the requirements of the Statutory Powers Procedure Act.

The administration of justice could be said to be divided between the judicial arm of government (the courts) and the executive arm of which this Board is a branch. The courts operate under strict rules and interpret and follow statutes and precedents. Administrative boards, such as this Board, administer what is sometimes called 'discretionary justice' having a minimum of rules and a wide spectrum of discretion.

In matters of law and jurisdiction, there is provision for appeal from decisions of the Board to the courts. In a limited number of the matters dealt with, there is a provision for appeal from the Board's decision to Cabinet by way of a petition to the Lieutenant-Governor-in-Council.

The Board has authority under Section 42 of the Ontario Municipal Board Act to review any of its decisions or orders to determine if they should be varied. This authority is generally exercised when one or more of the following occurs:

- error in jurisdiction or procedural defect
- fraud or misrepresentation by any party or witness
- manifest error of decision or fact
- changed circumstances or new evidence
- other good and sufficient reason

MEMBERS OF THE BOARD

As of December 31, 1987, there were 29 Members of the Board, including the Chairman and four Vice-Chairmen. Members of the Board during 1987 are listed on Chart B.

Members are appointed by the Lieutenant-Governor-in-Council and serve on a full-time basis. They are based at the Board's offices in Toronto.

The membership of the Board reflects a variety of professions. Approximately half of the Members are lawyers with other Members being accountants, engineers, architects, planners and municipal administrators.

The Board wishes to acknowledge the contribution of H.W. Kelly, Q.C., and G. Campbell, Q.C. Mr. Kelly, a Member of the Ontario Municipal Board for thirteen years, retired September 30, 1987. Mr. Campbell, previously a Member of the Land Compensation Board, became a Member of the Ontario Municipal Board on October 8, 1981, when the Land Compensation Board was amalgamated with the Ontario Municipal Board. Mr. Campbell retired August 31, 1987.

It is with sincere regret that the Board reports the death of M.D. Henderson, Mr. Henderson died on July 19, 1987, after a lengthy illness. He had served as a member of the Ontario Municipal Board since September 1, 1978.

ADMINISTRATION OF THE BOARD

As of December 31, 1987, the Board had a staff complement of 64. The staff of the Board provide administrative and clerical services in connection with the processing of applications, appeals and referrals, the scheduling of hearings, and the preparation of Board orders and decisions.

The organization of the Board's staff is shown on Chart C.

In June 1987 Chris Stoyanovich, Manager of the Planning and Land Compensation Division for three years, left the Board. He is now Executive Director of the Urban Development Institute (U.D.I.).

Carloyn Fenn, Supervisor of the Zoning, Official Plans and Subdivisions Section during Mr. Stoyanovich's tenure, became Manager of the Planning and Land Compensation Division in July 1987. Mrs. Fenn joined the Board staff in November 1983 and is a member of the Association of Municipal Clerks and Treasurers of Ontario.

A Fax machine has been installed to assist with the transmittal of urgent materials. It is also expected to be useful for transmittal of directions for notice where time is limited. The Board will continue to release decisions by mail.

In 1987, the Board successfully completed preliminary implementation and testing of an automated, information storage and retrieval system. OMBIS (Ontario Municipal Board Information System), will replace our current manual information system and will assist with the scheduling of hearings. OMBIS will generate automatic invoicing, acknowledgement letters, notices of appointment for hearing and statistical management reports.

The on-line system will quicken the retrieval of information and expedite public inquiries. It will reduce the repetitive work involved with processing applications and assist with the tracking of files. It will also produce reports previously generated manually.

January 1, 1988, is the approximate date for live implementation of the system. Further testing is required and hopefully by June 1st, 1988, OMBIS will replace much of the manual system for application processing.

HEARINGS

The Hearings Division scheduled 2486 hearings involving 3983 files during 1987. Eighteen hundred and forty-one hearings were held involving 3061 files. Members of the Board spent 4042 hearing days dealing with various types of matters that came before the Board. Chart D provides information on the type of hearings over the last three years.

Although two Members constitute a quorum for Ontario Municipal Board hearings, more than two Members can be assigned to a hearing as long as the number of Members is uneven. The Chairman has authority, however, to appoint only one Member to hear and decide on any application. Hearing length varies from file to file, with some matters scheduled for a number of months and some only for a portion of a day.

It is the practice of the Board to conduct hearings in the municipality from which the application originated and generally the only hearings held by the Board at their offices in Toronto involve Metropolitan Toronto. Prior to 1987, hearings for the City of Mississauga were held in the Board's offices, but, in 1987, the

City of Mississauga opened their new City Hall and the Board has been provided a hearing room in their new facilities giving citizens of Mississauga easier access to Board hearings. The Board appreciates the co-operation of municipalities in providing hearing accommodation.

Members of the Board are required to travel extensively to all parts of Ontario. During 1987, hearings for planning matters took 70 percent of the Members' hearing time. Assessment appeals required 13 percent and land compensation and consolidated hearings each required 4 percent. The balance involved capital expenditure and other matters.

Five French Language hearings were held by the Board in 1987. The Board's normal practice is to hold a hearing in English or French and when necessary will arrange translation services for those who might have difficulty with the language to be used at that hearing.

DECISIONS OF THE BOARD

The Ontario Municipal Board Reports, published by Canada Law Book Limited, under arrangement with the Board and the Ministry of the Attorney General, contain selected decisions of the Board. Subscriptions to this publication may be obtained through Canada law Book Limited.

Land Compensation decisions of the Board are found in the Land Compensation Reports available through Canada Law Book Limited.

Decisions issued by the Board are available from the Board. Subscription rates are as follows:

Full subscription	$300 per annum
Partial subscription (Excluding Assessment & Land Compensation)	$200 per annum
Assessments only	$100 per annum
Land Compensation only (Excluding Assessment & Land Compensation)	$ 50 per annum

Copies of individual decisions may be obtained on request from the information office of the Board at a cost of 50¢ per page (less than 6 pages – no charge).

In 1987, the Board issued decisions concluding 3061 files. Although decisions may be delivered orally at the hearing, or reserved for later release, all are typed.

Hearings are held across the province requiring the Members to be out of the office a good deal of the time. It is therefore, not always possible for a decision to be signed as quickly as hearing participants would like. This is especially true where two or more Members have heard a matter and must confer on the decision. Extensive use is made of the telephone and couriers to facilitate preparation and review of the Board's decisions. In addition, where straightforward oral decisions have been given, staff will prepare and issue an order in advance of the memorandum of oral decision being signed and released. This will assist those individuals who require a Board order to secure a building permit or consent to sever.

Once a decision is signed, its release is imminent. However, the decision must be recorded, and prepared for mailing before it can be released. To give all hearing participants an equal opportunity to receive reserved decisions at the same time, decisions are sent by prepaid first class mail. The Board's staff are instructed not to release copies of the decision for two days from the date of mailing.

FREEDOM OF INFORMATION ACT

In anticipation of the promulgation of the Freedom of Information Act, the Board assessed the Act's impact on the Board's present procedure with regard to access to its files. Appeals/applications filed with the Board have always been open to inspection. They are generally available upon demand although a telephone call assessing availability is preferred. This is in the event the file is with a Member for the purpose of a hearing, the writing of a decision, or with a staff person for processing. A coin-operated photocopy machine is available for those wishing copies of the documents on file.

PUBLICATIONS OF THE BOARD

As narrated earlier in the Section on 'Jurisdiction and Authority', the Board as an independent administrative tribunal administers what is sometimes called 'discretionary justice' having a minimum of rules and a wide spectrum of discretion. A wide range of applications/appeals are brought before it under various statutes. To assist those interacting with the Board with the procedural requirements, policies, guidelines and regulations, a number of publications have been prepared.

Those presently available, and those to be printed shortly, are as follows:

RULES OF PROCEDURE

The 81st Annual Report noted that Regulation 722 made under Section 90 of the Ontario Municipal Board Act and Regulation 316 made by the former Land Compensation Board were redrafted and consolidated. After much public input and many revisions the rules were adopted by the Board on November 14, 1986. Ontario Regulation 537/87, the Board's Rules of Procedure, enacted pursuant to Section 90 of the Ontario Municipal Board Act were published in 1987. It will come into force on January 1, 1988. Copies may be obtained from the Ontario Government Bookstore. The address for mail order service is 880 Bay Street, 5th Floor, Toronto, Ontario, M7A 1N8, Telephone (416) 965-6015 and for personal shopping the address is 880 Bay Street, Main Floor, Telephone (416) 965-2054. Copies can also be obtained from the Board.

SCHEDULE OF FEES

The fees regulation sets out the fees for applications, appeals, etc., filed with the Board.

THE ROLE OF THE ONTARIO MUNICIPAL BOARD WITH RESPECT TO UNDERTAKINGS INVOLVING LONG-TERM COMMITMENTS BY ONTARIO MUNICIPALITIES AND SCHOOL BOARDS

This publication describes the Board's guidelines for expenditure control and the calculation of municipal and school board debt capacities for future borrowing.

PROCEDURES WITH RESPECT TO APPLICATIONS TO THE ONTARIO MUNICIPAL BOARD FOR APPROVAL OF UNDERTAKINGS PURSUANT TO SECTION 64 OF THE ONTARIO MUNICIPAL BOARD ACT

This brochure describes in detail the procedures and requirements of the Board for the submissions/applications for approval of capital expenditures to be incurred by municipalities, school boards and conservation authorities.

The following publications were prepared in 1987 and will be issued in 1988:

GUIDELINES ON COSTS

Section 96 of the Ontario Municipal Board Act, in conferring the authority to award costs, indicates that any award of costs will be "...in the discretion of the Board,...". This brochure has been prepared to assist those who appear before the Board in understanding the principals by which the Board is guided in exercising this authority.

YOUR GUIDE TO ONTARIO MUNICIPAL BOARD HEARINGS

This brochure will describe in some detail the procedures one can expect to encounter at hearings of the Ontario Municipal Board. It is written as a guide for all who participate in Ontario Municipal Board hearings but especially for those who may not be familiar with the Board and its hearing procedures.

WORKLOAD AND PROCESS TIME

During 1987 the Board delivered 1784 decisions. Of these, 1130 were oral decisions delivered at the conclusion of the hearing. The Board appreciates that an appeal being decided by the Board may represent the end of a lengthy process. The high percentage of oral decisions reflects the Board's appreciation that those with matters before the Board are understandably anxious about receiving that decision. This concern applies when a municipal budget awaits a capital expenditure appeal, or a development company's interest costs escalate during a subdivision hearing. It applies when plans for a homeowner's addition are appealed and in a myriad of other situations. The Board is also cognizant of the constraints imposed by northern Ontario's short building season. In situations where the Board must reserve its decision, generally following lengthier and more complex matters, every effort is made to expedite delivery of those decisions.

Chart E provides a summary of the number of matters received by the Board. Chart E indicates that the 1987 workload increased 10% from 1986 to 1987.

The number of assessment appeals and capital expenditure applications received by the Board have both increased from 1986.

This is also true of planning matters. The increased importance of planning applications in the overall makeup of the Board's workload noted from 1985 to 1986 has been maintained in 1987.

The 1986 annual report noted that planning matters occupied a high percentage of the Member's hearing time and expressed concern that a further increase in the number of planning issues could negatively impact on the overall delivery of hearings. As forecast in 1986, the 1987 workload has continued to increase. This increasing workload has occurred over a period when a significant number of Members have left the Board. There have been no new Members appointed since 1984. While the Board's files may be made ready for hearing by the staff, there are insufficient Members to conduct the number of hearings needed to maintain the Board's target of 60 to 90 days from receipt to hearing. By the end of 1987, the Board was not meeting that target and continued to discuss with the government the need for Member appointments.

During 1987, the Board also reviewed its workload from a geographic perspective. See Chart F. This chart reflects the number of new applications received from each of the Counties, Districts, Regional and District Municipalities in the province and the number of files opened. The one exception is the assessment category, where the number of complaints is reported. Several related complaints may be contained in a single Board File.

For example, all complaints lodged by condominium owners in a building or all tenants in a shopping centre may be included in one file and addressed at one hearing.

The chart reveals as might be expected that the highest portion of the Board's workload comes from those areas currently experiencing the greatest growth pressures and having the greatest current population. It should be noted, however, in terms of the Board's overall workload, that the applications come from all parts of the province and significant effort is made to provide equitable service to all areas

Two apparent anomalies in the chart, the high number of assessment complaints from the Regions of Ottawa-Carleton and Sudbury, are explained by reassessment exercises which were conducted in parts of both regions.

ASSESSMENT APPEALS

Of the 44,000 appeals from previous years pending before the Courts, 2,000 appeals were resolved in 1987 as a result of settlements having been reached by the parties, withdrawal of appeals by appellants and decisions having been given by the Courts.

During 1987, the Board received 8,157 new appeals. Of these appeals, twenty-nine percent were resolved by the Board. Protective appeals for condominiums totalled 1,695. As legal matters affecting condominiums are pending before the Courts, the Board was unable to resolve these appeals.

The remaining 4,117 appeals were in process, were scheduled for hearing or, were pending decisions.

A constant follow-up action is being undertaken by the Board to assess the status of all pending appeals. It appears that parties in a number of large multi-property appeals may reach settlements and it may be possible for the Board to finalize these files in 1988.

PLANNING AND OTHER MATTERS

In previous annual reports, the Board has outlined in some detail the responsibilities it exercises under the Planning Act and other acts. As reference to that information is available in previous reports and as there were no major legislative changes during 1987, the focus of this section will be planning issues or events that came to the Board during 1987.

1) **The Niagara Escarpment Planning and Development Act**

During 1987, the Board held two hearings under Section 25(6) of the Niagara Escarpment Planning and Development Act. These involved the appointment of an Ontario Municipal Board Member to hear appeals filed by the Minister of Municipal Affairs against decisions of the Niagara Escarpment Commission involving applications for development permits.

Under this legislation, the hearing officer does not issue a decision but makes a report to Cabinet, which then decides the matter.

2) **Interim Control – Section 37 of the Planning Act**

Many municipalities are taking advantage of the provisions of Section 37 of the Planning Act and using interim control by-laws to limit development while undertaking planning studies.

While Section 37 is a useful tool in the planning process, the Board finds that in some instances, municipalities have not submitted appeals filed against the by-laws in a timely fashion.

Occasionally, this results in a situation where there is insufficient time for the Board to schedule and hear the matter prior to the by-law's expiry. As it is clearly the legislation's intent to provide an appeal mechanism, bypassing that process by not filing appeals with the Board circumvents the statutes intent. The Board has dicussed legislative changes with the Minister of Municipal Affairs to address this issue.

3) **Intimidation by Threat of Costs**

The Board would like to remind proponents of development that it is not appropriate to solicit the withdrawal of objections through methods that might be viewed as intimidation.

A number of development proponents in 1987 attempted to secure the withdrawal of referrals or appeals by suggesting that citizen appellants were likely to be assessed large awards of costs by the Board should a hearing proceed.

A review of the Board's decisions indicates that costs are not often awarded. The Board's practice has been to award costs only when the conduct of one of the parties to a matter can be clearly proven to be unreasonable, frivolous or vexatious.

The Board views one of its most important responsibilities to be to provide an opportunity to be heard by any party having an interest in a matter and in practice has very rarely awarded costs against citizens who wished a matter brought to hearing. It is hoped that the Board's "Guidelines on Costs", to be published in 1988, will help to clarify the Board's position in this regard.

4) **Procedural Problems**

As noted above, there were no substantive changes to the Planning Act in 1987 and most municipal staff have become well versed in administering the procedural requirements of the Act. There are instances, however, where the requirements of the legislation are not fully complied with.

In these situations, it should be remembered that the Board cannot amend or abridge the public meeting and the notice of enactment requirements of the Act. In order to avoid unnecessary costs to all parties, both in terms of time and money, municipal staff are urged to exercise care to ensure the requirements of the legislation are met. For example, if the notice of the passing of a zoning by-law stipulates that appeals may be filed up to a date that exceeds the 35 days provided for in the statute, the Board is not able to deal with the appeals which may be within the time set out in the notice but actually beyond the 35 day legislated limit.

LAND COMPENSATION

The Expropriations Act empowers the Board to determine the amount of compensation to be paid by the statutory (expropriating) authority to the exproriated party.

In 1987, thirty-one applications were received by the Board regarding land compensation claims. No change in workload is anticipated in 1988.

Rules of procedure governing the arbitration process were formally contained in Regulation 316 enacted under the Expropriations Act. These have been replaced by regulation 537/87, the Ontario Municipal Board Rules of Procedure. Parties to proceedings under the Expropriations Act should refer to Part III of Regulation 537/87.

CAPITAL EXPENDITURES OF MUNICIPALITIES AND SCHOOL BOARDS

The Ontario Municipal Board is charged with the responsibility for approving a number of financial matters related to local government.

Section 64 of the Ontario Municipal Board Act requires the Board to approve all undertakings by municipalities, school boards (other than separate school boards) and local boards that are to be financed by revenues of subsequent years extending beyond the term of the incumbent municipal council or by the issue of debentures. Undertakings to be financed from current funds during the term of the council are excluded.

In order to carry out this function, the Board has developed certain criteria for establishing the borrowing capabilities of these local government entities. With the assistance of analysis performed in the Ministries of Education and Municipal Affairs, the Board has chosen a percentage of revenue fund expenditures which it considers appropriate for annual long-term commitments. For municipalities, that percentage is twenty. The Board considers that a school board should not commit more than 10 percent of its total revenue fund expenditures to capital formation. This lower rate for school boards is necessary as approximately 90 percent of school board expenditures are used to finance operating costs.

The method for calculating the debt capacities of municipalities and school boards is given in detail in the Board's publication entitled "The Role of the Ontario Municipal Board with respect to undertakings involving long-term commitments by Ontario Municipalities and School Boards". Copies of this publication are available from the Board.

The financial information for school boards is supplied directly to the Board by the Ministry of Education. The financial information and the five-year capital expenditures forecasts of municipalities come from the Financial Information Returns supplied by the municipalities to the Ministry of Municipal Affairs. The Board now relies on information, generated by the Municipal Analysis and Retrieval System (MARS) computer program of the Ministry of Municipal Affairs, to assess the debt capacities of municipalities. Timely filing of the Financial Information Return by municipalities with the Ministry of Municipal Affairs will be imperative to enable MARS to provide the financial information required by the Board for establishing quotas/debt limits for current year municipal capital works programmes. Delay in receiving financial information could result in the approval of a project application being delayed.

Individual applications for capital projects are submitted to the Board for approval. These may be for each individual project or for a class or classes of work (bulk) without specifying any particular project. The Board also considers "bulk" approvals for municipal drains under the Drainage Act and local improvements under Sections 11 and 12 of the Local Improvement Act.

When directed by the Board, notice of the proposed project must be given pursuant to section 149, sub-section (3) of the Municipal Act, R.S.O. 1980, chapter 302, as amended. Where no objections are received within the time limit specified, the Board will approve the application without a public hearing. A municipality may not proceed to advertise if, in the Board's opinion, the project could not be undertaken within the financial capacity of the municipality. If objections are received, the Board normally holds a public hearing, unless the Board determines that the objections are insufficient to warrant a public hearing. Detailed procedure manuals setting out the Board's requirements for applications for the approval of capital expenditures, imposition of special rates, borrowing in excess of 70 percent of a municipality's current outstanding receivables, the use of surplus debenture funds, etc., have been sent to all

municipalities, school boards and conservation authorities for guidance. Copies of those manuals are available from the Board.

The Board also acts as arbitrator or appeal body with respect to a number of other financial matters. These include the apportionment of shared costs for school, county, region, homes for the aged, welfare boards and planning purposes. It should be noted that consideration is being given to an amendment to the Education Act which proposes changes to the appeals process for shared school-costs apportionment. If the Bill is enacted as presently drafted appeals to the Board will be eliminated. Also, the Board may be requested to review the equalization factors and equalized assessments as published annually by the Ministry of Revenue.

As can be seen from the foregoing, which is by no means an exhaustive list of the Board's approval functions pertaining to local government finance, the Board has been given a number of legislative powers to ensure not only the financial viability of local government entities but also the welfare of ratepayers which councils seek to charge for specific purposes. The Board believes that the generally good credit rating and favourable borrowing rate enjoyed by most municipalities and school boards in Ontario can in part be attributed to the Board's role.

TRANSFER OF PROVINCIAL WATER AND SEWAGE PROJECTS TO MUNICIPALITIES

During the past three years, the Ministry of the Environment has been negotiating with a number of municipalities to transfer ownership of sewage and water works projects from the province to the municipality.

With the acquisition of the ownership of such projects, the municipalities have to assume the outstanding capital cost and any deficits accumulated from the time the projects became operational. This normally requires the Board's approval under Section 64 of the Ontario Municipal Board Act.

In order to accommodate the long-term debt, municipalities must have sufficient debt capacity. To service that debt, the municipal councils may be required to review the current rate structures for water and sewage systems to ensure that sufficient revenues will be generated from special water works and sewage rates.

SPECIAL SEWER AND WATER RATES UNDER SECTION 218 OF THE MUNICIPAL ACT

Section 218 of the Municipal Act, R.S.O. 1980, Chapter 302, as amended, authorizes the municipal councils, with the approval of this Board, to impose special sewer and water works rates to raise the capital costs of sewage and water works projects.

Sub-section (7) of Section 218, prescribes the method for the computation of such special rates but does not provide for the imposition of a special rate on a 'per lot basis'.

In a Supreme Court case between Allan Grey and The Corporation of the Township of Plympton, Mr. Justice Barr on May 13, 1987, has ruled the Township's by-law imposing a rate on a 'per lot basis' to be ultra vires.

The Board will, therefore, not be in a position to approve the passing of by-laws by a municipal council imposing a special rate on a per lot basis under Section 218 of the Municipal Act.

OMB PARTICIPATION IN JOINT BOARDS

Some undertakings or projects may be subject to hearings required under more than one statute to be held by more than one tribunal. The Consolidated Hearings Act 1981, directs the Chairman of the Environmental Assessment Board and the Chairman of the Ontario Municipal Board to establish a joint Board to hear some of these projects. A schedule to the Act and Regulation 688/81 specifies which statutes or parts of statutes are affected.

Members of the OMB participated in three Joint Board matters in 1987. They involved a proposed energy from waste project in Brampton and proposed boundary changes to the Keele Valley landfill site. In addition, the Joint Board sat for approximately 85 hearing days during 1987 on the issue of the proposed Halton sanitary landfill site. The Brampton and Halton hearings continue into 1988.

FINANCIAL SUMMARY

REVENUE

The Board has adopted, under Section 99 of the Ontario Municipal Board Act, a tariff which establishes a filing fee in connection with each application, appeal or referral. The fees collected by the Board are paid to the Treasurer of Ontario.

Fees collected in the 1987 calendar year are as follows:

Application, Appeal or Referral Type	Fees Collected
Capital Expenditures	$517,526.30
Planning Act Matters	$300,680.00
Assessment Appeals	$130,333.00
Miscellaneous	$ 20,531.17
TOTAL	$969,070.47

EXPENDITURE:

The budget of the Ontario Municipal Board is provided within the estimates of the Ministry of the Attorney General on a fiscal year basis.

The Board's expenditures in the 1987 calendar year are as follows:

Account Item	Amount
Salary & Wages	$3,558,267
Employee Benefits	$ 625,702
Transportation & Communications	$ 397,718
Services	$ 83,752
Supplies & Equipment	$ 78,795
Transfer Payments	$ 7,500
TOTAL EXPENDITURES	$4,751,734

STATUTES FROM WHICH THE ONTARIO MUNICIPAL BOARD DERIVES JURISDICTION AND AUTHORITY

Assessment Act
Barrie-Innisfil Annexation Act, 1981
Barrie-Vespra Annexation Act, 1984
Beach Protection Act
Cemeteries Act
Conservation Authorities Act
Consolidated Hearings Act
District Municipality of Muskoka Act
District Welfare Administration Boards Act
Education Act
Environmental Assessment Act
Evidence Act
Expropriations Act
Haliburton Act
Homes for the Aged and Rest Homes Act
Housing Development Act
Legal Aid Act
Legislative Assembly Act
Liquor Licence Act
Local Improvement Act
Mining Tax Act
Moosonee Development Area Board Act
Municipal Act
Municipal Affairs Act
Municipal Boundary Negotiations Act, 1981
Municipal Corporations Quieting Orders Act
Municipal Elections Act
Municipal Franchises Act
Municipal Tax Assistance Act
Municipality of Metropolitan Toronto Act
Niagara Escarpment Planning and Development Act
Ontario Education Capital Aid Corporation Act
Ontario Heritage Act
Ontario Highway Transport Board Act
Ontario Municipal Board Act
Ontario Municipal Improvement Corporation Act
Ontario Northland Transportation Commission Act
Ontario Planning and Development Act
Ontario Telephone Development Corporation Act
Ontario Universities Capital Aid Corporation Act
Ontario Water Resources Act
County of Oxford Act
Pits and Quarries Control Act
Planning Act
Power Corporation Act
Public Commercial Vehicles Act
Public Libraries Act

Public Service Works on Highway Act
Public Transportation and Highway Improvement Act
Public Utilities Act
Railways Act
Regional Municipality of Durham Act
Regional Municipality of Haldimand-Norfolk Act
Regional Municipality of Halton Act
Regional Municipality of Hamilton-Wentworth Act
Regional Municipality of Niagara Act
Regional Municipality of Ottawa-Carleton Act
Regional Municipality of Peel Act
Regional Municipality of Sudbury Act
Regional Municipality of Waterloo Act
Regional Municipality of York Act
Rental Housing Protection Act, 1986
Registry Act
Regulations Act
St. Lawrence Parks Commission Act
Shoreline Property Assistance Act
Telephone Act
Territorial Division Act
Tile Drainage Act
Trees Act
Trustee Act

Note: In addition to this list (which may not be complete), there are in excess of 100 private Acts for individual municipalities which confer specific jurisdiction and authority on the Board.

MEMBERS OF THE ONTARIO MUNICIPAL BOARD

Member	Date of Appointment
H.E. Stewart, Chairman	April 1, 1974 Chairman since September 1, 1979
D.S. Colbourne, Vice-Chairman	September 3, 1968 Vice-Chairman since June 1, 1977
P.M. Brooks, Q.C., Vice-Chairman	November 1, 1973 Vice-Chairman since November 13, 1980
H.H. Lancaster, Q.C., Vice-Chairman	September 7, 1970 Vice-Chairman since June 30, 1981
D.H. McRobb, Vice-Chairman	January 3, 1978 Vice-Chairman since October 22, 1982
A.B. Ball	January 1, 1974
H.W. Kelly, Q.C.	September 3, 1974 Retired September 30, 1987
J.A. Wheler, Q.C.	September 3, 1974
A.J.L. Chapman, Q.C.	September 30, 1974
C.G. Charron, Q.C.	February 1, 1975
K.D. Bindhardt	January 2, 1976
P.G. Wilkes	January 16, 1978
V.M. Singer, Q.C.	September 1, 1978
M.D. Henderson	September 1, 1978 Deceased July 19, 1987
D.L. Santo	March 10, 1980
D.M. Rogers, Q.C.	March 10, 1980
T.F. Baines, Q.C.	March 17, 1980
S.R. Cole	October 8, 1981
G. Campbell, Q.C.	October 8, 1981 Retired August 31, 1987
G.T. Dobbs	October 8, 1981
G.M. Hobart	October 8, 1981
D.W. Middleton	October 8, 1981
J.R. Mills	May 10, 1982
P.H. Howden, Q.C.	July 19, 1982
E.F. Crossland	November 1, 1982
G.A. Harron	December 1, 1982
M.A. Rosenberg, Q.C.	January 3, 1983
R.D.M. Owen	January 4, 1983
R.W. Rodman	March 14, 1983
G.I. Thomson, Q.C.	May 2, 1983
Brian W. McLoughlin	January 1, 1984
René Chartier	February 1, 1984

Chart C

ADMINISTRATION OF THE ONTARIO MUNICIPAL BOARD

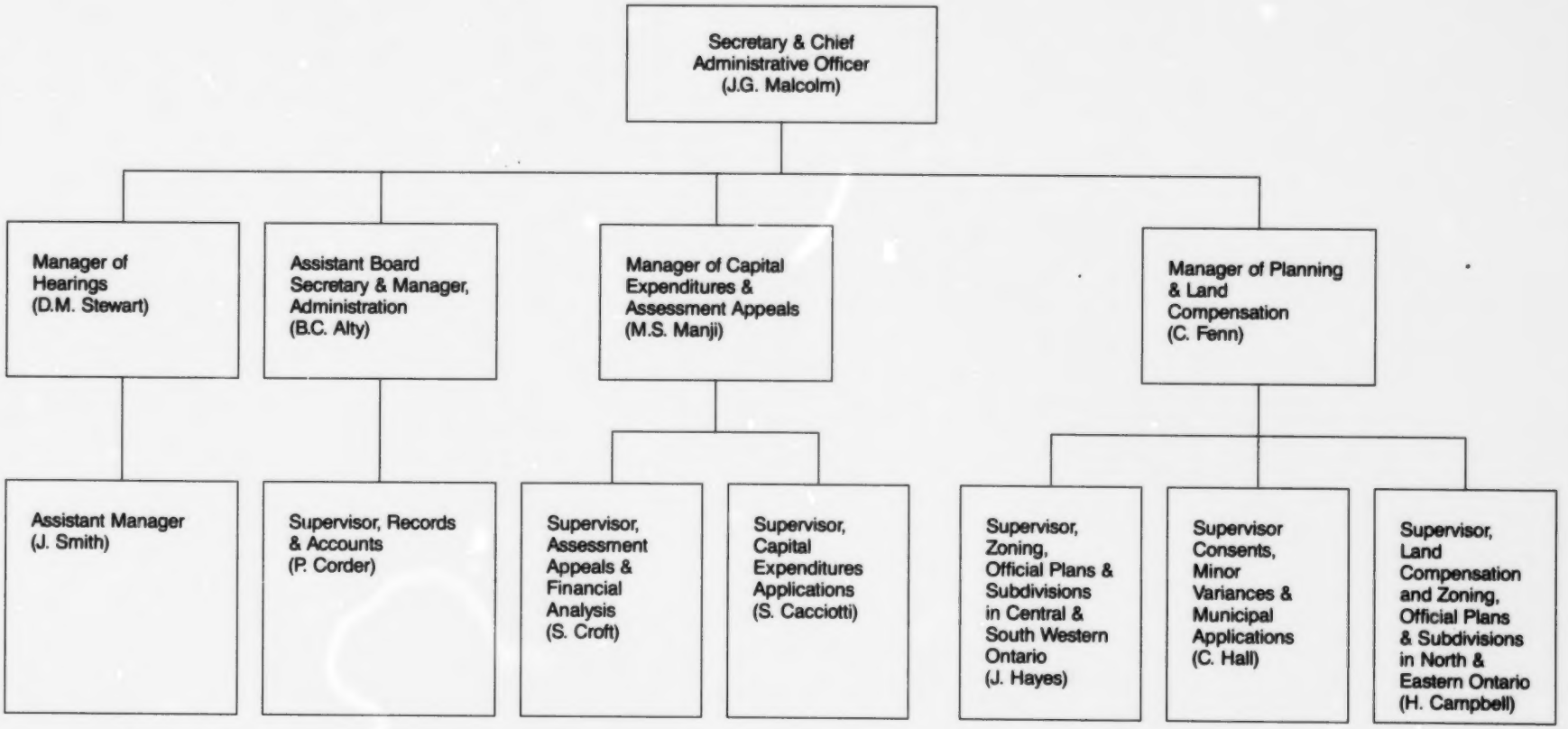
Secretary & Chief Administrative Officer (J.G. Malcolm)
Manager of Hearings (D.M. Stewart)
Assistant Board Secretary & Manager, Administration (B.C. Alty)
Manager of Capital Expenditures & Assessment Appeals (M.S. Manji)
Manager of Planning & Land Compensation (C. Fenn)
Assistant Manager (J. Smith)
Supervisor, Records & Accounts (P. Corder)
Supervisor, Assessment Appeals & Financial Analysis (S. Croft)
Supervisor, Capital Expenditures Applications (S. Cacciotti)
Supervisor, Zoning, Official Plans & Subdivisions in Central & South Western Ontario (J. Hayes)
Supervisor Consents, Minor Variances & Municipal Applications (C. Hall)
Supervisor, Land Compensation and Zoning, Official Plans & Subdivisions in North & Eastern Ontario (H. Campbell)

Chart D

HEARINGS

	HEARINGS SCHEDULED			HEARINGS HELD		NUMBER OF FILES SCHEDULED		HEARD	
	1987	1986	1985	1987	1986	1987	1986	1987	1986
Planning and Municipal	1975	1827	1643	1480	1425	2675	2422	2036	1914
Assessment Appeals	472	479	885	333	351	1266	851	995	655
Land Compensation	39	56	80	28	40	42	96	30	79
Consolidated Hearings	3	5	7	2	4	3	5	2	4
TOTAL	2489	2357	2615	1843	1820	3986	3374	3063	2652

NOTE: Previous annual reports have reported only the hearings and files scheduled. For comparison purposes the number of hearings actually heard and the number of files involved will also be reported.

Chart E

WORKLOAD STATISTICS

TYPE OF APPLICATION, APPEAL OR REFERRAL RECEIVED BY THE O.M.B.	1987	1986	1985
1. Assessment Appeals	1079	934	1079
2. Capital Expenditures of Municipalities and School Boards	1511	1368	1598
3. Zoning By-law Appeals/Approvals	652	614	553
4. Appeals from Councils' Refusal to Amend Zoning By-laws	177	164	125
5. Minor Variance Appeals	704	632	508
6. Consent Appeals	616	603	415
7. Official Plans	132	155	139
8. Plans of Subdivision	37	33	37
9. Miscellaneous	159	94	123
10. Land Compensation	31	37	46
11. Consolidated Hearings	2	2	5
TOTAL	5100	4636	4628

Chart F

MUNICIPALITIES	APPLICATIONS FOR CAPITAL EXPENDITURE APPROVAL	ASSESSMENT COMPLAINTS	ZONING, OFFICIAL PLANS & SUBDIVISION APPEALS & REFERRALS	CONSENTS TO SEVER	MINOR VARIANCES
Regions					
Metroplitan Toronto	124	1839	70	65	313
Durham	37	404	39	30	20
Haldimand-Norfolk	20	—	11	15	7
Halton	47	59	35	20	14
Hamilton-Wentworth	45	406	47	20	12
Niagara	89	69	35	51	23
Ottawa-Carleton	62	2626	59	30	50
Peel	50	240	43	11	22
Sudbury	20	875	14	5	6
Waterloo	69	19	33	18	22
York	28	232	127	47	31
Muskoka	20	278	13	5	3
SUB TOTAL:	611	7047	526	317	523
Counties					
Brant	39	118	10	12	3
Bruce	7	4	20	—	1
Dufferin	2	1	10	9	2
Elgin	30	9	12	15	2
Essex	99	88	26	14	26
Frontenac	38	111	12	4	9
Grey	13	12	16	29	—
Haliburton	1	2	5	4	2
Hastings	13	62	19	6	6
Huron	15	5	5	3	—
Kent	56	9	14	—	3
Lambton	42	5	18	12	9
Lanark	11	—	5	11	3
Leeds and Grenville	9	13	21	15	6
Lennox and Addington	3	17	2	5	—
Middlesex	66	236	35	3	11
Northumberland	11	7	22	19	4
Oxford	23	13	7	10	1
Perth	20	4	7	3	2
Peterborough	17	53	21	10	11
Prescott and Russell	27	4	15	4	1
Prince Edward	2	1	2	—	3
Renfrew	13	11	16	4	1
Simcoe	42	28	50	49	42
Stormont, Dundas & Glengarry	18	54	12	10	6
Victoria	17	2	5	2	6
Wellington	35	10	32	31	10
SUB TOTAL:	669	879	419	284	170
Districts					
Algoma	19	27	9	1	2
Cochrane	16	6	4	—	2
Kenora	5	18	10	—	4
Manitoulin	3	—	1	—	—
Nipissing	20	6	3	—	—
Parry Sound	5	—	7	2	—
Rainy River	8	9	2	—	—
Sudbury	5	—	3	—	—
Thunder Bay	16	48	17	4	3
Timiskaming	2	—	1	—	—
SUB TOTAL:	99	114	57	7	11
GRAND TOTAL:	1379	8040	1002	608	704